

Oct 25th 2007

Commission's Secretary
Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Deena Shetler
Via Email
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FCC Contractor
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Re: WC Docket No. 06-210
CCB/CPD 96-20

Dear FCC

Supplement to Sanctions Motion Against AT&T and Its Counsel

Dear FCC

The \$500 million requested in sanctions by petitioners against AT&T is indeed a slap on the wrist. **The sanctions request is far from being material.**

AT&T's Total Assets are 267,346,000,000

That's \$267+ BBBB BBillion!!!!

<http://finance.google.com/finance?q=NYSE:T>

<http://finance.google.com/finance?fstype=bi&q=NYSE:T>

Furthermore considering the above financials----- AT&T's statement made in its trumped up sanctions request that the "one man band" petitioners were inflicting upon AT&T a financial burden in legal costs is absolutely comical!!!

AT&T's counsel simply did not know what nonsense it could make up. These are the type of claims made by AT&T that are not only totally frivolous, but show how pathetic AT&T's defense is.

The FCC must absolutely hammer AT&T to the point where AT&T will know not to engage in intentional misrepresentation to the Commission again.

The FCC saw AT&T destroy the entire reseller industry as it used its vast resources and

“legal talent” to intentionally put hundreds of resellers out of business.

Judge Politan advised AT&T in March 1996 that the plans were pre June 17th 1994 immune and AT&T's request for a \$15 million injunction bond was therefore absurd. Judge Politan told AT&T to come back when it had evidence that there could be shortfall charges placed upon the pre June 17th 1994 immune plans. ¹

¹ District Court:

In answer to the court's questions at the hearing in this matter, Mr. Inga set forth certain methods for restructuring or refinancing by which resellers can and do escape termination and also shortfall charges through renegotiating their plans with AT&T.

District Court:

Suffice it to say that, with regard to pre-June, 1994 plans, methods exist for defraying or erasing liability on one plan by transferring or subsuming outstanding commitments into new and better plans pursuant to AT&T's own tariff.

The District Court Judge Politan 1996 Decision page 19 para 1

Commitments and shortfalls are little more than illusory concepts in the reseller industry—concepts which constantly undergo renegotiation and restructuring. The only “tangible” concern at this juncture is the service AT&T provides. The Court is satisfied that such services and their costs are protected. To the extent however that AT&T's demand for fifteen million dollars' security is premised on the danger of

What did AT&T do? Within 90 days of Judge Politan's March 8th 1996 Decision (exhibit C in the 1/31/07 FCC filing) AT&T thumbed its nose in Judge Politan's face and put the charges on the end-users bills. AT&T then stopped payment on all 5 plans, bogusly claiming: "the first two plans were subjected to shortfall and termination charges so AT&T will take the money from the 3 good plans as well." How incredibly brazen of a company to do this!!! An absolute total disregard for the law. Remember the June 1996 infliction was 7 months after AT&T filed its November 9th 1995 tariff change to 2.5.18 in which it further solidified that the plans were immune from shortfall and termination through 1998.

The record now conclusively shows that the plans revenue commitment and concomitant shortfall and termination obligations do not transfer on a "traffic only" transfer. AT&T has literally conceded this with the conspicuous silence since petitioners filing of the "FORMER CUSTOMER" tariff analysis over two months ago.

A sanction of \$500 million is indeed a slap on the wrist. That money can be used to help the FCC recover the enormous amount of expenses it incurred adjudicating all of AT&T's unlawful maneuvers. The \$500 million to AT&T is a drop in the bucket.

shortfalls, the Court finds that threat neither pivotal to the instant injunction nor properly substantiated by AT&T.

Petitioner's damages may be around \$250 million. Therefore the FCC should receive about twice what petitioners will receive. Even \$750 million is a mere bag a shells to AT&T.

submitted

Respectfully

/s/ Al Inga
Al Inga Pres

One Stop Financial, Inc
Group Discounts, Inc.
Winback & Conserve Program, Inc.
800 Discounts, Inc